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10/624,837	07/21/2003	Don Teague	5776P006	6575
21186 7590 12/26/2007 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938			EXAMINER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		I A - B M - N			
•	Application No.	Applicant(s)			
Office Assistant Community	10/624,837	TEAGUE ET AL.			
Office Action Summary	Examiner	Art Unit			
	Joshua Murdough	3621			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with th	e correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATE 36(a). In no event, however, may a reply by vill apply and will expire SIX (6) MONTHS for cause the application to become ABANDO	ON. e timely filed rom the mailing date of this communication. DNED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 29 November 2007.					
2a)⊠ This action is FINAL . 2b)☐ This	This action is FINAL . 2b) ☐ This action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11,	453 O.G. 213.			
Disposition of Claims					
4) Claim(s) 1-3,5-18 and 20-27 is/are pending in the day of the above claim(s) is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) 1-3,5-18 and 20-27 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers					
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction 11) The oath or declaration is objected to by the Examiner	epted or b) objected to by the drawing(s) be held in abeyance. Soon is required if the drawing(s) is	See 37 CFR 1.85(a). objected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 10/29/2007.	4) Interview Summ Paper No(s)/Mai 5) Notice of Informa 6) Other:	l Date			

DETAILED ACTION

Response to Amendment

Applicants' amendment received 29 November 2007 has been entered. Currently, claims 1-3, 5-18, and 20-27 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-7, 14-18, 20-22, & 24-27 have been considered but are most in view of the new ground(s) of rejection.

Applicants Argue:

"Hills fails to disclose or suggest 'identifying at least one approved payment option ...
utilizing the consumer information,' 'generating a list of approved payment options, the list
including the at least one approved payment option' and 'requesting that the consumer selects a
payment option from the list' recited in claim 1, as amended" (Applicants Amendment and
Response, Page 9, Paragraph 3)

This argument was presented in regards to claim 1, but the same general argument is made for the other claims, therefore they are being addressed together.

Examiner's Reply:

These claims have been amended to change the scope and interpretation required. The Examiner has addressed these claims with art directed more toward the argued position due to these amendments.

Applicant's arguments filed 29 November 2007 in regard to claims 8-13 and 23 have been fully considered but they are not persuasive.

Applicants Argue:

"Hills discloses a terminal that prompts a user to process one of four optional inquiry types (Hills, 13:31-33), but fails to disclose or suggest 'a selection module to present the consumer with an option to select a payment option from the list of at least one approved payment options' recited in claim 8. It is submitted that the terminal that prompts a user to process one of four optional inquiry types is distinct from a selection module to present the consumer with an option to select a payment option from the list of at least one approved payment options, the list generated 'utilizing the consumer information,' as recited in claim 8. (Applicants Amendment and Response, Page 9, Paragraph 4)

"In order to show 'means for presenting the consumer with an option to select a payment option from the list of at least one approved payment options' recited in claim 23, the Office action cited the following: 'Finally, a Transaction Event Slip ('Sales Slip') will be produced by a printer integral to the point-of-sale terminal and will be executed by the consumer in the amount of the stated purchase with inscribed language defining the Transaction Event and specifically

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providing consumer authorization for electronic access to his/her banking account.' (Hills, 6: 17-13.) As is evident from the passage, there is no mention of presenting the consumer with an option to select a payment option from the list of at least one approved payment options. Thus, because Hills fails to disclose or suggest 'means for presenting the consumer with an option to select a payment option from the list of at least one approved payment options' recited in claim 23, claim 23 is patentable and should be allowed." (Applicants Amendment and Response, Page 10, Paragraph 2)

Examiner's Reply:

Hills discloses that the "four optional inquiry types" (Id) are "capable of being performed...within the control of the system subscriber" (Column 13, lines 33-35). Each of which are selected by the user depressing a key (Column 13, line 38), including "Card Acceptance" (credit card use, Column 13, lines 38-68), "Authorization Only" (enabling bank drafts, Column 14, lines 1-29), "Check Replacement Service" (processing a check electronically, Columns 14-15, lines 30-8), and "Access Only" (use of the bank draft through manual input, Column 15, lines 9-17). The interpretation of the payment options is further supported by Hills disclosure of the use of check, credit card, or manual input with debiting of an account. (Abstract, lines 1-3) Furthermore, it is shown that the system is capable of performing "a preauthorization inquiry for the status of consumer accounts" (wherein consumer information would have to be used to obtain the status, Column 10, lines 51-52).

The "Sales Slip" (Figures 8 and 9) disclosed by Hills requires the customer to confirm the at least one payment option presented on the slip by completing the information on the slip and

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signing it. Therefore, the slip presents the consumer with an option to select a payment option from the list of at least one approved payment options. The consumer can elect not to use the presented at least one method and not complete the transaction.

Moreover, Applicant's arguments are to the functional aspects of a system. "[The] [m]anner or method in which machine is to be utilized is not germane to issue of patentability of machine itself." (In re Casey, 152 USPQ 235 (CCPA 1967)) "While features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone." (MPEP 2114; In re Schreiber, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997)) Therefore, systems are defined by the functional aspects only to the extent where the functional aspects define what structure is required. As the functional limitations argued do not require structural components that are not shown, the Examiner respectfully disagrees with Applicants' arguments that the functional limitations make the instant invention patentable over the prior art.

Information Disclosure Statement

The IDS submission on 29 October 2007 contained numerous references to additional cases the Applicants' Representative has worked on. The documents where a definite date of publication could be determined have been considered. The others which, do not have a definite date of publication, have not been considered and have been struck through.

Claim Objections

Claims 14, and 24 are objected to because of the following informalities:

As to claim 14, in the eighth line, the word "including" appears, which was not in the original claim, but it is not designated as being part of the amendment.

As to claim 24, lines 7 and 9 both contain the word "and" immediately following the limitations. It is unclear if Applicants intended the last two limitations to be separate somehow, or if it was merely an oversight and the "and" in line 7 should have been struck through. The Examiner believes the latter is the case and has interpreted the claim in this manner.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 6, 20, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 5 and 6, these claims depend from claim 4, which has been canceled. In order to provide more complete prosecution, the Examiner has interpreted this as a typo and when evaluating these claims on the merits, they have been understood to depend from claim 1 instead.

As to claims 20 and 21, these claims depend from claim 19, which has been canceled. In order to provide more complete prosecution, the Examiner has interpreted this as a typo and when evaluating these claims on the merits, they have been understood to depend from claim 16 instead.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-10, 12, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hills (6,164,528).

As to claim 8, Hills shows

A system comprising:

a communication module (any of elements 310, 312, or 314 from Figure 2) to receive consumer information; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

an approved payment options generator module (Figure 2, element 316) to generate a list of at least one approved payment options utilizing the consumer information; (payment methods would inherently have to be communicated to the user in order for one to be chosen from the service selections or transaction types; Column 3, lines 46-64) and

a selection module to present the consumer with an option to select a payment option from the list of at least one approved payment options. (Figure 2, elements 310 and 322; Column 13, lines 31-33)

As to claim 9, Hills further shows:

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the operation includes providing additional consumer information. (Column 6, lines 53-56)

As to claim 10, Hills further shows:

the payment options generator module (Figure 2, element 316) includes a payment option validation module to identify an available payment option from a plurality of available payment options as an approved payment option utilizing the consumer information. (Column 5, lines 56-61)

As to claim 12, Hills further shows:

the plurality of available payment options include at least one of a credit card option, a phone bill option, an ACH option, a payment by check option, a direct bill option, and a prepayment option. (Abstract, lines 1-4, check, credit card, or direct bill; Abstract, lines 10-14, ACH)

As to claim 23, Hills shows:

A system comprising:

means for receiving consumer information; (point of sale system, Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

means for generating (Figure 2, element 316) a list of at least one approved payment options utilizing the consumer information; (payment methods would inherently have to be communicated to the user in order for one to be chosen) and

means for presenting (Figure 2, element 324) the consumer with an option to select a payment option from the list of at least one approved payment options. (Column 6, lines 7-13)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 5-7, 14-17, 20-22, & 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hills in view of Gatto (6,149,055).

As to claim 1, Hills shows:

A method comprising:

receiving consumer information associated with a consumer; (consumer in Abstract, lines 1-4, through reading off of a check, credit card, or manual input) identifying at least one approved payment option (Abstract, lines 1-4, through reading off of a check, credit card, or debiting a bank account) from a plurality of payment options utilizing the consumer information, (A fully automated system (Column 3, lines 30-32) capable of handling different payment methods (Column 3, lines 46-52) would necessarily have to be able to identify the method being used by the information given, in order to process it correctly)

the at least one payment option being valid for the consumer; (Column 3, lines 20-26)
Hill does not expressly show:

generating a list of approved payment options, the list including at least one approved payment option;

communicating the at least one approved payment option to the consumer for selection by the consumer; and

requesting that the consumer selects a payment option from the list.

Gatto shows a point of sale system (Abstract & Column 2, lines 28-36) with a graphical user interface (Figure 3) that allows the user to select a payment method (Abstract) from a list (Figure 3, element 33) generated using consumer information. The system would necessarily only permit selection of approved payment methods and by allowing the user to select one, the system is clearly communicating the options to the consumer and requesting that one be chosen. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Hills to incorporate the interface and selection capability of Gatto, because it would allow the use of a single identification card to enable transactions from a plurality of financial accounts with different institutions (Gatto, Abstract, lines 10-13)

As to claim 2, Hills further shows:

monitoring a request by the consumer for a further payment option, the further payment option differing from the at least one approved payment option; (Column 6, lines 43-47)

communicating to the consumer a request for additional consumer information;

(Column 6, lines 53-56) and

selectively approving the request by the consumer for the further payment option based on the additional consumer information. (Column 6, lines 56-61)

As to claim 5, Hills further shows:

storing the approved payment option for the consumer for use in future transactions.

(Column 4, lines 28-35)

As to claim 6, Hills further shoes

the plurality of available payment options include at least one of a credit card option, a phone bill option, an ACH option, a payment by check option, a direct bill option, and a prepayment option. (Abstract, lines 1-4, check, credit card, or direct bill; Abstract, lines 10-14, ACH)

As to claim 7, Hills further shows:

identifying the at least one approved payment option to the consumer includes identifying a payment option utilizing vendor payment option preference.

(Abstract; The vendor or merchant shows a preference toward not being defrauded and only allows transactions that are not likely to result in such.)

As to claim 14, Hills shows:

A method comprising:

providing consumer information associated with the consumer to a transaction processing facility; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

off of a check, credit card, or debiting a bank account) from a plurality of payment options from the transaction processing facility (Figure 1, element 302), the at least one approved payment option identified based on the consumer information, (A fully automated system (Column 3, lines 30-32) capable of

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handling different payment methods (Column 3, lines 46-52) would necessarily have to be able to identify the method being used by the information given, in order to process it correctly)

the at least one payment option being valid for the consumer; (Column 3, lines 20-26) Hill does not expressly show:

presenting a list of payment options, the list including the at least one approved payment option to the consumer.

Gatto shows a point of sale system (Abstract & Column 2, lines 28-36) with a graphical user interface (Figure 3) that allows the user to select a payment method (Abstract) from a list (Figure 3, element 33) generated using consumer information. The system would necessarily only permit selection of approved payment methods and by allowing the user to select one, the system is clearly communicating the options to the consumer and requesting that one be chosen. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Hills to incorporate the interface and selection capability of Gatto, because it would allow the use of a single identification card to enable transactions from a plurality of financial accounts with different institutions (Gatto, Abstract, lines 10-13)

As to claim 15, Hills further shows:

monitoring a request by the consumer for a further payment option, the further payment option being distinct from the at least one approved payment option; (Column 6, lines 43-47)

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obtaining additional consumer information from the consumer; (Column 6, lines 53-56)

communicating the additional consumer information to the transaction processing facility; and (Column 11, lines 23-30 & Figure 3, 334)

receiving one of an approval of the further payment option for the consumer, and a rejection of the further payment option for the consumer. (Column 11, lines 23-30)

As to claim 16, Hills shows:

A machine-readable medium for embodying a sequence of instructions that, when executed by the machine, cause the machine to:

receive consumer information associated with a consumer; (Abstract, lines 1-4, through reading off of a check, credit card, or manual input)

off of a check, credit card, or debiting a bank account) from a plurality of payment options utilizing the consumer information, (A fully automated system (Column 3, lines 30-32) capable of handling different payment methods (Column 3, lines 46-52) would necessarily have to be able to identify the method being used by the information given, in order to process it correctly)

the at least one payment option being valid for the consumer; (Column 3, lines 20-26)
Hills does not expressly show

communicate the at least one approved payment option to the consumer for the selection by the consumer; and

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the at least one approved payment option identified based on the consumer information.

Gatto shows a point of sale system (Abstract & Column 2, lines 28-36) with a graphical user interface (Figure 3) that allows the user to select a payment method (Abstract) from a list (Figure 3, element 33) generated using consumer information. The system would necessarily only permit selection of approved payment methods and by allowing the user to select one, the system is clearly communicating the options to the consumer and requesting that one be chosen. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Hills to incorporate the interface and selection capability of Gatto, because it would allow the use of a single identification card to enable transactions from a plurality of financial accounts with different institutions (Gatto, Abstract, lines 10-13)

As to claim 17, Hills further shows:

monitors a request by the consumer for a further payment option, the further payment option differing from the at least one approved payment option; (Column 6, lines 43-47)

communicates to the consumer a request for additional consumer information;

(Column 6, lines 53-56) and

selectively approves the request by the consumer for the further payment option based on the additional consumer information. (Column 11, lines 23-30)

As to claim 20, Hills further shows:

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the approved payment option for the consumer is stored for use in future transactions.

(Column 4, lines 28-35)

As to claim 21, Hills further shows:

the plurality of available payment options include at least one of a credit card option, a phone bill option, an ACH option, a payment by check option, a direct bill option, and a prepayment option. (Abstract, lines 1-4, check, credit card, or direct bill; Abstract, lines 10-14, ACH)

As to claim 22, Hills further shows:

identifying the at least one approved payment option to the consumer includes identifying a payment option utilizing vendor payment option preference.

(Abstract; The vendor or merchant shows a preference toward not being defrauded and only allows transactions that are not likely to result in such.)

As to claim 24, Hills shows:

A machine-readable medium for embodying a sequence of instructions that, when executed by a machine, cause the machine to:

provide consumer information associated with a consumer (consumer in Abstract) to a transaction processing facility; (Column 11, lines 44-54)

receive at least one approved payment option from a plurality of payment options

(Abstract, lines 1-4, through reading off of a check, credit card, or debiting a bank account) from the transaction processing facility based on the consumer information, (Column 7, lines 16-18)

the at least one payment option being valid for the consumer; (Column 3, lines 20-26)

present the at least one approved payment option to the consumer for selection by the consumer; (Column 6, lines 7-13)

Hills does not expressly show:

request that the consumer selects an approved payment option from a list including the at least one approved payment option identified based on the consumer information.

Gatto shows a point of sale system (Abstract & Column 2, lines 28-36) with a graphical user interface (Figure 3) that allows the user to select a payment method (Abstract) from a list (Figure 3, element 33) generated using consumer information. The system would necessarily only permit selection of approved payment methods and by allowing the user to select one, the system is clearly communicating the options to the consumer and requesting that one be chosen. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Hills to incorporate the interface and selection capability of Gatto, because it would allow the use of a single identification card to enable transactions from a plurality of financial accounts with different institutions (Gatto, Abstract, lines 10-13)

As to claim 25, Hills further shows:

monitors a request by the consumer for a further payment option, the further payment option being distinct from the at least one approved payment option; (Column 6, lines 43-47)

obtains additional consumer information from the consumer; (Column 6, lines 53-56)

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communicates the additional consumer information to the transaction processing facility; and (Column 11, lines 23-30 & Figure 3, 334)

receives one of an approval of the further payment option for the consumer, and a rejection of the further payment option for the consumer. (Column 11, lines 23-30)

As to claim 26, Gatto further shows, in the combination above:

receiving a response to the request that the consumer selections a payment option from the list. (Abstract)

As to claim 27, Gatto further shows, in the combination above:

The response is a selection of a payment option from the list. (Abstract)

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hills in view of Wang (2003/0009423).

As to claim 11, Hills shows all of the elements except:

the payment options generator module includes a payment options rules engine to determine reliability score value for the consumer.

Wang shows the use of a trust rating when determining to allow a customer certain rights. (Paragraph 0060) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the invention of Hills to include the trust rating of Wang in order to restrict the rights to use the transaction networks for customers that do not appear reliable. (Paragraph 0060)

As to claim 13, Hills further shows:

the payment options rules engine is to identify a payment options presentation format,

utilizing vendor payment option preference. (Abstract; The vendor or merchant

shows a preference toward not being defrauded and only allows transactions that

are not likely to result in such.)

Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hills and

Gatto as applied to claims 1 and 16 above, and further in view of Wang.

As to claim 3, Hills and Gatto show all of the elements except:

identifying the at least one approved payment option includes generating a reliability

score value utilizing the consumer information.

Wang shows the use of a trust rating when determining to allow a customer certain rights.

(Paragraph 0060) It would have been obvious to one of ordinary skill in the art at the time of the

invention to have modified the invention of Hills to include the trust rating of Wang in order to

restrict the rights to use the transaction networks for customers that do not appear reliable.

(Paragraph 0060)

As to claim 18, Hills and Gatto show all of the elements except:

the at least one approved payment option is identified by generating a reliability score

value utilizing the consumer information.

Wang shows the use of a trust rating when determining to allow a customer certain rights.

(Paragraph 0060) It would have been obvious to one of ordinary skill in the art at the time of the

invention to have modified the invention of Hills to include the trust rating of Wang in order to

restrict the rights to use the transaction networks for customers that do not appear reliable.

(Paragraph 0060)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Murdough whose telephone number is (571) 270-3270. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua Murdough